

It was alleged in the information that the article was misbranded in that the statement "U. S. Grade No. 1", borne on the tags, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser since the potatoes were of a grade inferior to U. S. No. 1.

On June 6, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

22570. Adulteration of dried grapes. U. S. v. 1,050 Cases and 1,050 Cases of Dried Grapes. Decrees of condemnation and forfeiture. One hundred cases released; remainder destroyed. (F. & D. nos. 31297, 31571. Sample nos. 37378-A, 54976-A.)

These cases involved shipments of dried grapes which were insect-infested and moldy.

On November 1 and 10, 1934, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels against 1,050 cases of dried grapes at Tacoma, Wash., and 1,050 cases at Seattle, Wash., consigned by the Federal Fruit Distributors, Fresno, Calif., alleging that the article had been shipped in interstate commerce, on or about September 2 and October 25, 1933, from Oakland, Calif., and charging adulteration in violation of the Food and Drugs Act. One shipment of the article was labeled in part: "Cinelli No. 1 Grade Fancy Alicante Grapes." The other shipment was labeled in part: "Buon Gusto Brand Fancy Dried Black Alicantes, Metropolitan Grocery Co., Seattle, U. S. A."

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On January 9, 1934, the Federal Fruit Distributors, claimant, having admitted the allegations of the libel filed at Seattle, Wash., as to the 100 cases of the product, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the said 100 cases be released to the claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned that the decomposed portions thereof be destroyed. On May 21, 1934, default was entered in the case instituted at Tacoma and the court ordered the product condemned and destroyed. On June 4, 1934, the remainder of the lot seized at Seattle was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22571. Adulteration of dried grapes. U. S. v. 1,600 Cases of Dried Grapes. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31298. Sample nos. 37377-A, 45318-A.)

This case involved a shipment of dried grapes which were insect-infested and moldy.

On October 31, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,600 boxes of dried grapes at Tacoma, Wash., consigned by Memorie Fruits, Ltd., Oakland, Calif., alleging that the article had been shipped in interstate commerce on or about October 19, 1933, from Oakland, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "25 Lbs. Net Cinellis No. 1 Fancy Grade Alicante Grapes."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed vegetable substance.

On May 21, 1934, default having been entered against the claimant, the Federal Fruit Distributors, Fresno, Calif., and the court having heard the testimony, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal and that the Federal Fruit Distributors pay the cost of the proceedings.

M. L. WILSON, *Acting Secretary of Agriculture.*

22572. Adulteration and misbranding of bone meal. U. S. v. Riverdale Products Co. Plea of guilty. Fine, \$25. (F. & D. no. 31355. Sample no. 19176-A.)

This case was based on a shipment of bone meal that contained less bone phosphate of lime, less protein, less fat, and more fiber than declared on the label, and also contained undeclared calcium carbonate.

On January 3, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Riverdale Products Co., a corporation,

Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act, on or about July 7, 1932, from the State of Illinois into the State of Indiana, of a quantity of bone meal which was adulterated and misbranded. Attached to the sacks containing the article were two tags, both labeled, "Steamed Bone Meal, Manufactured by Riverdale Products Company, Chicago." Further statements regarding the ingredients, also appearing on the tags, are set out below.

It was alleged in the libel that the article was adulterated in that an added substance, calcium carbonate in excess of the normal amount contained in bone meal, had been substituted in part for the article. Adulteration was alleged for the further reason that a product containing less than 5 percent of crude protein, less than $1\frac{1}{2}$ percent of crude fat, less than 70 percent of bone phosphate of lime and more than 2 percent of crude fiber and more than the normal amount of calcium carbonate contained in bone meal, had been substituted for bone meal containing not less than 5 percent of crude protein, not less than $1\frac{1}{2}$ percent of crude fat, not less than 70 percent of bone phosphate of lime, and not more than the normal amount of calcium carbonate contained in bone meal, and not more than 2 percent of crude fiber, which the article purported to be.

Misbranding was alleged for the reason that the statement, "Bone Meal, Ingredients: Bone Meal, Analysis: Guaranteed 5 Per Cent Max. Crude Protein, $1\frac{1}{2}$ Per Cent Max. Crude Fat, 70 Per Cent Min. Bone Phosphate of Lime", borne on one of the tags, and the statements, "Bone Meal Guaranteed Analysis Crude Protein, not less than 5.0% Crude Fat, not less than 1.5% Crude Fiber, not more than 2.0%, Ingredients: Bone Meal containing 70% Bone Phosphate of Lime", borne on the other tag, were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since it contained less than 5 percent of crude protein, less than $1\frac{1}{2}$ percent of crude fat, less than 70 percent of bone phosphate of lime, more than 2 percent of crude fiber, and contained undeclared calcium carbonate in excess of the normal amount contained in bone meal.

On May 17, 1934, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

22573. Adulteration of apples. U. S. v. Quick & Harris Co. Plea of nolo contendere. Fine, \$10. (F. & D. no. 31380. Sample no. 18039-A.)

This case was based on an interstate shipment of apples that were found to bear arsenic and lead in amounts that might have rendered them injurious to health.

On February 21, 1934, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Quick & Harris Co., a corporation, Yakima, Wash., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 5, 1932, from the State of Washington into the State of Montana, of a quantity of apples which were adulterated.

It was alleged in the information that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On May 4, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

22574. Misbranding of butter. U. S. v. Carlson-Frink Co. Plea of guilty. Fine, \$200 and costs. (F. & D. no. 31435. Sample nos. 28159-A, 28160-A.)

This case was based on interstate shipments of short-weight butter.

On February 27, 1934, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Carlson-Frink Co., a corporation, Denver, Colo., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about February 21 and February 28, 1933, from the State of Colorado into the State of New Mexico, of quantities of butter which was misbranded. The article was labeled in part: "Mountain Kist Butter A Frink Product * * * Carlson-Frink Co., Denver, Colo. One Pound Net."

It was alleged in the information that the article was misbranded in that the statement "One Pound Net", borne on the packages containing the article,